

VIRGINIA BOARD OF EDUCATION POLICY: PERSISTENTLY DANGEROUS SCHOOLS & UNSAFE SCHOOL CHOICE OPTION

The federal No Child Left Behind Act of 2001, at Title IX, Section 9532, entitled “Unsafe School Choice Option,” requires each state receiving funds under the Act to establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the state in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

The Virginia Board of Education’s statewide policy on students attending a persistently dangerous public elementary school or secondary school or who become a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school is to provide those students with the opportunity to attend a safe public elementary school or secondary school within the local educational agency. As stated in § 22.1-3.3 of the Code of Virginia:

Whenever any student has been the victim of any crime against the person pursuant to Chapter 4 (§ 18.2-30 et seq.) of Title 18.2, and such crime was committed by another student attending classes in the school, or by any employee of the school board, or by any volunteer, contract worker or other person who regularly performs services in the school, or if the crime was committed upon school property or on any school bus owned or operated by the school division, the student upon whom the crime was committed shall, upon written request from the student's parent, or the student, if such student is an emancipated minor, be permitted by the relevant school board to transfer to another comparable school within the school division, if available. Any transportation services for such students shall be provided in accordance with school board policies.

The Board of Education acknowledges that this law is part of its unsafe school choice policy and in addition requires local school board policies to be consistent with federal law, including the Individuals with Disabilities Education Act of 1997.

The Virginia Board of Education defines “persistently dangerous schools” based on school safety data currently collected by the Virginia Department of Education. Persistently dangerous schools will be identified based on school safety data such as the types and occurrences of violent criminal acts in public elementary schools or secondary schools. Schools at risk of being identified as persistently dangerous will be monitored in an effort to address and correct those areas posing risks within the schools. Parents of students attending schools identified as persistently dangerous will be provided notice of the school status and of the option of allowing their children to transfer to a safe public elementary school or secondary school, or charter school, within the local educational agency.